IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6408 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BARODA MUNICIPAL CORPORATION - Petitioner(s)
Versus
ARVINDBHAI SHANUBHAI RANA - Respondent(s)

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Appearance :
MR PRANAV G DESAI for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 03/07/2007

ORAL JUDGMENT

1. The petitioner-Baroda Municipal Corporation, being aggrieved by the order dated 17.5.96 made by the Presiding Officer, Labour Court, Vadodara

in Recovery Application No. 525/93, directing the Corporation to pay some of Rs. 3270.83 ps. to the respondent [original applicant] is before this Court with a submission that the Labour Court could not exercise its jurisdiction in the present matter.

2. While admitting this writ application, the Court directed that the matter be heard along with Special Civil Application No. 2270 of 1993, however, the said writ application has been finally disposed of on 3.12.97 allowing the writ application filed by the Baroda Municipal Corporation Servant Union, quashing the impugned order Annexure:E to that petition dated 3rd March, 1993, with further direction that the Corporation would be entitled to pass fresh orders after following the principles of natural justice.

3. It is said before me that the dispute in issue in the present matter is altogether different from the issue involved in Special Civil Application No. 2270/93.

4. It is not in dispute before me that in

accordance with the circulars issued by the Baroda Municipal Corporation, certain special allowances were required to be paid to the employees who were allowed heavy duty work. The present petitioner, undisputedly was entitled to heavy duty allowance in view of the work discharged by him. Once the facts relating to enforcement of the circulars and entitlement of the workman are not in dispute, then, natural corollary would be an order in favour of the workman.

5. The petition is dismissed. Rule is discharged. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-